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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,999	12/16/2003	Gavriela D. Lavie	5760-14800	5749
35690	7590	05/26/2006	EXAMINER	
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.			RAYYAN, SUSAN F	
700 LAVACA, SUITE 800			ART UNIT	
AUSTIN, TX 78701			PAPER NUMBER	
			2167	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/736,999

Applicant(s)

LAVIE ET AL.

Examiner

Susan F. Rayyan

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/19/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-25 are pending.

### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on May 19, 2005 was filed before First Office Action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-5,9-13, 17-21, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Number 6,249,755 issued to Yechiam Yemini ("Yemini") and US Patent Number 6,856,942 issued to Katrina Garnett et al ("Garnett").**

As per claims 1,9,17,25 Yemini teaches:

detecting a change to a computing environment (see column 29, lines 24-27, column 30, lines 38-40);

predicting a set of outcomes resulting from said change (column 7, lines 66-67, column 8, lines 23-27, column 12, lines 28-33,54-64, column 13, lines 35-40 and column 29, lines 52-53.

Yemini does not explicitly teach monitoring the computing environment to determine whether any of the set of outcomes has occurred and reporting that one or more of the predicted set of outcomes has occurred. Garnett does teach these limitations at column 5, lines 50-63 and column 7, lines 7-10. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to reduce the time it takes to find and fix issues and prevent many issues from even occurring at column 2, lines 32-35.

As per claims 2,10,18, same as claim arguments above and Yemini teaches: wherein the set of outcomes is predicted based on a set of predictive rules (column 11, lines 47-55).

As per claims 3,11,19 same as claim arguments above and Garnett teaches: wherein determining whether any of the set of outcomes has occurred comprises comparing the performance of the database after the change to a historical baseline (column 5, lines 31-43).

As per claims 4,12,20 same as claim arguments above and Garnett teaches: wherein said reporting includes making recommendations on alternate changes to the computing environment (column 6, lines 63 to column 7, line 6).

As per claims 5,13,21 same as claim arguments above and Garnett teaches:  
wherein said reporting includes a summary of said historical baseline (column 6, line 59 to column 7, line 6).

**Claims 6-8,14-16,22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Number 6,249,755 issued to Yechiam Yemini ("Yemini") and US Patent Number 6,856,942 issued to Katrina Garnett et al ("Garnett") in view of US Patent Application Number 2005/0097149 issued to Lev Vaitzblit ("Vaitzblit")**

As per claims 6,14,22 same as claim arguments above and Yemini and Garnett do not explicitly teach wherein the complex computing environment is a database, and wherein the method further comprises recording information about the database, wherein the information includes the number and type of transactions carried out by the database, timing information associated with each transaction, and information on changes to user settings, database definitions, and schema definitions within the database. Vaitzblit does teach this limitation at paragraphs 62,66,73,78. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to establish patterns and detect abnormalities at paragraph 19.

As per claims 7,15,23 same as claim arguments above and Vaitzblit teaches:  
wherein the information is recorded by a sampling technique at paragraphs 77-78.

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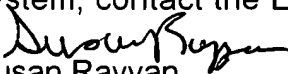
As per claims 8,16,24 same as claim arguments above and Yemini and Garnett do not explicitly teach multiple databases on the recorded effects of various changes. Vaitzblit does teach this limitation at paragraph 45, lines 1-7. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to establish patterns and detect abnormalities at paragraph 19.

#### **Contact Information**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susan Rayyan

May 22, 2006

  
JOHN R. COTTINGHAM  
PRIMARY EXAMINER